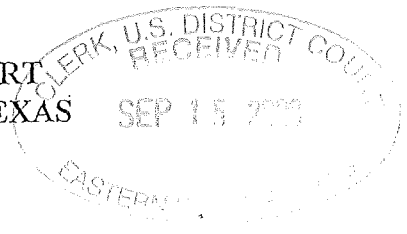


COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 2/08)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Zafres Lamonte McDonald #39397

Plaintiff's name and ID Number

Gregg County Jail

Place of Confinement

CASE NO. 6:20CV507 JCB/JDL

(Clerk will assign the number)

v.

MAKEY CERIANO 101 E. Methuen, Suite 559 Longview, TX 75601

Defendant's name and address

JEFF CALLAWAY 101 E. Methuen, Suite 559 Longview, TX 75601

Defendant's name and address

LUKE WHITEHEAD 101 E. Methuen Suite 559 Longview, TX 75601

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.
5. The complaint can not exceed 20 pages which includes all attachments.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES ☐ NO ☒
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: _____
2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
3. Court: (If federal, name the district; if state, name the county.) _____
4. Docket Number: _____
5. Name of judge to whom case was assigned: _____

6. Disposition: (Was the case dismissed, appealed, still pending?)

7. Approximate date of disposition:

PLACE OF PRESENT CONFINEMENT: GREGG COUNTY JAIL, GREGG COUNTY TEXAS

PARTIES TO THIS SUIT:

A. Name and address of plaintiff: ZAPRES LAMONN McDONALD #139397
101 EAST METHVIN ST.
LONGVIEW, TEXAS 75601

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: MAXEY CERLIAND, SHERIFF, GREGG COUNTY TEXAS
101 E. METHVIN, SUITE 559 LONGVIEW, TEXAS 75601

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. CRUEL AND UNUSUAL PUNISHMENT
PLACEMENT IN SEPARATION CELL FOR 8 1/2 HOURS THAT WAS COVERED WITH HUMAN FECE

Defendant #2: LUKE WHITEHEAD, CAPTAIN, GREGG COUNTY SHERIFF'S OFFICE
101 E. METHVIN SUITE 559 LONGVIEW, TEXAS 75601

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. CRUEL AND UNUSUAL PUNISHMENT
PLACEMENT IN SEPARATION CELL FOR 8 1/2 HOURS THAT WAS COVERED WITH HUMAN FECE

Defendant #3: JEFF CALLAWAY, JAIL ADMINISTRATOR, GREGG COUNTY SHERIFF'S OFFICE
101 E. METHVIN SUITE 559 LONGVIEW, TEXAS 75601

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. CRUEL AND UNUSUAL PUNISHMENT
PLACEMENT IN SEPARATION CELL FOR 8 1/2 HOURS THAT WAS COVERED IN HUMAN FECE

Defendant #4: STEVEN STAFF SGT., GREGG COUNTY SHERIFF'S OFFICE
101 E. METHVIN SUITE 559 LONGVIEW, TEXAS 75601

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. CRUEL AND UNUSUAL PUNISHMENT
PLACEMENT IN SEPARATION CELL COVERED IN HUMAN FECE FOR 8 1/2 HOURS

Defendant #5: B. EARNEST, JAILER/DEPUTY, GREGG COUNTY SHERIFF'S OFFICE
101 E. METHVIN SUITE 559 LONGVIEW, TEXAS 75601

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. CRUEL AND UNUSUAL PUNISHMENT
PLACEMENT IN SEPARATION CELL FOR 8 1/2 HOURS THAT WAS COVERED IN HUMAN FECE

Defendant #6: BEN REYNOLDS, LT. GREGG COUNTY SHERIFF'S OFFICE
PLACEMENT IN SEPARATION CELL COVERED IN HUMAN WASTE FOR 8 1/2 HOURS CRUEL AND UNUSUAL PUNISHMENT

STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON 03/26/2020 I WAS PLACED IN A SEPARATION CELL BY JAILER B. ERNEST AND SGT. STEVEN STADT. THIS CELL WAS COVERED IN HUMAN FEES. THIS HAPPENED IN THE GREGG COUNTY JAIL. I PUSHED THE BUTTON AND INFORMED STAFF AND WAS TOLD TO FILE GRIEVANCE, WHICH I DID. TO LT. LUKE WHITEHEAD, I FILED A EMERGENCY GRIEVANCE WITH NO RELIEF WHICH WAS ANSWERED BY LT. BEN ROBINSON WHO REFUSED TO HEAR ME, STATING THAT I WAS BEING WRITE UP, BUT NEVER GOT SAID WRITE UP. I WAS IGNORED BY ALL GREGG COUNTY STAFF WHILE I COMPLAINED ABOUT THE CELL BEING COVERED IN HUMAN FEES. 8 1/2 HOURS LATER OFFICER CARLTON GRAY CAME TO THE CELL AND OBSERVED THE SMELL AND WHEN HE OPENED THE CELL (SEPARATION CELL #12) OBSERVED THE HUMAN FEES ON WALLS, FLOORS, TABLE, BUNK, CHAIR, STATED HE WOULDN'T TREAT ANYONE LIKE THAT AND WENT TO CORP. CHRISTOPHER BEERY (WHO I HAD WROTE A GRIEVANCE ABOUT SAID CELL AND ITS CONDITION) WHO MOVED ME TO SEPARATION CELL #12. I FOLLOWED THE GRIEVANCE PROCEDURE LT. LUKE WHITEHEAD, CHIEF JEFF CANNAWAY, SHERIFF MARY CEPRIANO WHO ALL GAVE ME NO RELIEF AND TOLD ME THERE WAS NO SUPPORTING EVIDENCE, WHICH WAS A ACT TO COVER UP AND DENIAL

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I REQUEST THE COURT TO RULE IN MY FAVOR FOR DAMAGE UNDER CIVIL AND UNUSUAL PUNISHMENT / PAIN AND MENTAL SUFFERING IN THE AMOUNT OF 2 (TWO) MILLION DOLLARS

GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

TAKEES LAMONN McDONALD

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

GREGG COUNTY JAIL # 39397

TDCJ 576597

I. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES _____ NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date warnings were imposed: _____

Executed on: 09/10/2020
DATE

ZALRES LAMONH McDONALD
ZALRES LAMONH McDONALD
(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 10th day of SEPTEMBER, 20 22.
(Day) (month) (year)

ZALRES LAMONH McDONALD
ZALRES LAMONH McDONALD
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Zaffes LaMear McDonald #39397
101 E. Mathurin St.
Longview, Texas 75601

Legal Mail

INMATE INDIGENT

Clerk, U.S. District Court
Rd SE Division
211 W. Ferguson Room 106
Tyler, Texas 75702

USPS
09/11/2020
FIRST-CLASS MAIL
\$01.60



ZIP 75601
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09/11/2020 10:00 AM
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